

Investigative, Expert, and Other Service Providers

Policy and Procedures

Appointed attorneys (or retained counsel for eligible clients) may obtain investigative, expert, and other services necessary for adequate representation. Prior authorization from the court is required for services other than counsel in excess of \$800. There are also waivable statutory limits on payments made to these service providers. Attorneys use the Form CJA 21 (non-capital) or Form CJA 31 (capital), to request authorization for these services. When the cost is expected to exceed statutory limitations, attorneys may also use the sample request located in the Guide, Appendix 3A.

Compensation for Service Providers*

| Type of Case | Cost of Services | Prior Authorization and/or Judicial Waiver Required |
|------------------------|--|--|
| Non-Capital or Capital | Up to \$800 (excluding expenses) | No |
| Non-Capital or Capital | More than \$800 (per category of provider, excluding expenses) | Yes |
| Non-Capital | More than \$2400 (per provider, excluding expenses) | Yes, from presiding judge and chief judge of the circuit (or delegate) |
| Capital | More than \$7500 (total fees and expenses for all providers) | Yes, from presiding judge and chief judge of the circuit (or delegate) |

* These statutory limits do not apply to transcripts.

Experts and other service providers submit Form CJA 21 (for non-capital cases) or Form CJA 31 (for capital cases) to request payment for compensation and reimbursable out-of-pocket expenses.

- Supporting documentation must be provided for single-item expenses in excess of \$50 and for all travel expenses (itemized receipts must be provided for all lodging expenses, regardless of amount).
- Timesheets should be kept contemporaneously.
- Time should be reported in hours and tenths of an hour (where applicable).
- Proration of time among representations must not result in a service provider billing more time than if all the time were claimed on one voucher.

Travel Guidelines

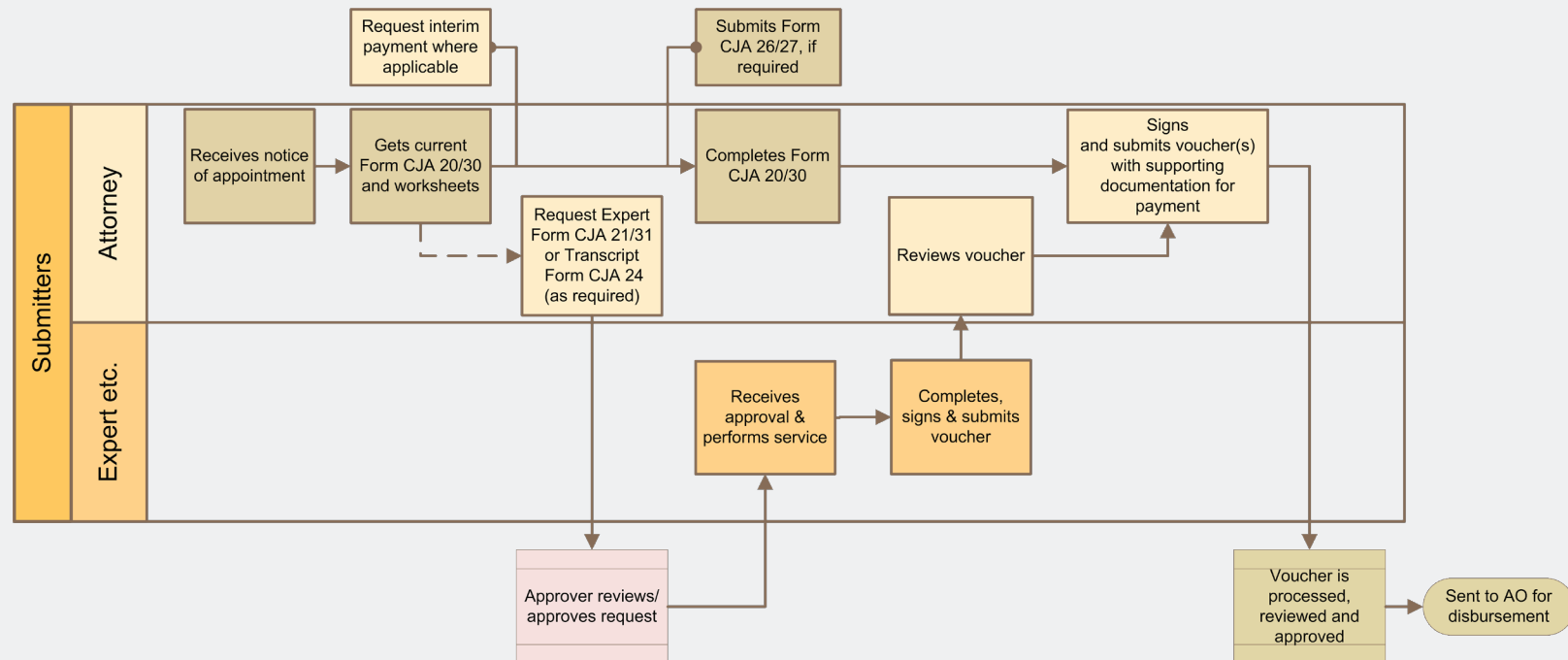
- Travel expenses may be included, where applicable, as part of requests for prior authorization to obtain the services of investigative, expert, or other service providers.
- Service providers are reimbursed for the **actual** cost of reasonably incurred travel expenses in connection with representation under the Criminal Justice Act (CJA).
- Per diem may not be claimed in lieu of subsistence expenses.
- As a general rule, travelers on “official business” must exercise the same care in incurring expenses that a prudent person would in conducting personal business using the person’s own money.
- In determining whether actual expenses incurred are “reasonable,” counsel and other authorized service providers should be guided by the limitations placed upon travel and subsistence expenses of federal judiciary employees. Applicable regulations are accessible through the courts.
- Reimbursable expenses include, for example, those that would constitute subsistence (e.g., lodging and meals) and certain miscellaneous expenses (e.g., taxi fares and tips to the taxi driver, and checked baggage fees).

The costs of the following items are not reimbursable:

- alcoholic beverages,
- entertainment (e.g., movies, sporting events, and sightseeing tours),
- parking fines or fees for traffic violations, and
- personal automobile expenses (e.g., personal accident insurance and personal effects coverage).

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Process Flow



1. The appointed attorney (or retained counsel for eligible clients) requests authorization to obtain investigative, expert, or other necessary services (other than counsel) expected to exceed \$800 or other waivable statutory limits (\$2400, excluding expenses, in non-capital or \$7500 total fees/ expenses per capital case).
2. The appointed panel attorney and the other service providers submit vouchers for review and payment.
 - a. A provider of services other than counsel completes applicable portions of the voucher (Form CJA 21/31/24).
 - b. The attorney reviews and signs the provider's voucher, certifying that the services were rendered for the case as claimed.
 - c. The voucher is submitted to the court or, where designated by the court for initial review, a federal defender organization.
 - d. If the presiding judge determines that periodic or interim payments are necessary and appropriate, vouchers may be filed prior to the completion of service.
3. The voucher undergoes the review process.
4. Once vouchers are approved, the payment information is electronically submitted to the Administrative Office of the U.S. Courts (AO) for processing and payment disbursement.